

1 HB670
2 136768-4
3 By Representatives Beech, Wallace, Jones, Sessions, Gaston,
4 Hurst, Johnson (R), Jackson, Baker, Drake, Faust, Brown,
5 Williams (P), Mask, Vance, Bridges, Barton and Boothe
6 RFD: Education Policy
7 First Read: 10-APR-12

1
2 ENROLLED, An Act,

3 Relating to public K-12 education; to provide for
4 the coordination and development of certain farm-to-school
5 procurement processes and procedures by the State Department
6 of Education and the Department of Agriculture and Industries;
7 to provide for procedures and recommendations for certain farm
8 product producers to access school-related food programs; to
9 provide for the dissemination of certain information to
10 schools and farm product producers; and to amend Section
11 16-13B-2, Code of Alabama 1975, to allow certain food
12 purchases by a local board of education by the small purchase
13 procedure.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) This section shall be known and may
16 be cited as the Farm-To-School Procurement Act.

17 (b) For the purposes of this section, unprocessed
18 agricultural products means only those agricultural products
19 that retain their inherent character. The effects of any of
20 the following handling and preservation techniques shall not
21 be considered as changing an agricultural product into a
22 product of a different inherent character: Cooling,
23 refrigerating, freezing; size adjustment through size
24 reduction made by peeling, slicing, dicing, cutting, chopping,
25 shucking, and grinding; drying or dehydration, or both;

1 washing; the application of high water pressure or cold
2 pasteurization; packaging, such as placing eggs in cartons,
3 and vacuum packing and bagging, such as placing vegetables in
4 bags; butchering livestock, fish, and poultry; and the
5 pasteurization of milk.

6 (c) (1) The Alabama Department of Agriculture and
7 Industries and the State Department of Education shall
8 collaborate and cooperate by means of a memorandum of
9 understanding executed between the departments in order to
10 implement this section.

11 (2) As part of the collaboration, the State
12 Department of Education shall do all of the following:

13 a. Investigate the potential of various procurement
14 procedures and tools for school food authorities to purchase
15 local farm products and abide by federal regulations
16 including, but not limited to, the small purchase threshold.

17 b. Educate food service directors on the small
18 purchase threshold and tools to promote their use for
19 farm-to-school initiatives.

20 c. Implement food preparation training for food
21 service staff to accommodate sourcing fresh and local foods.

22 d. Encourage school food service directors to
23 include local farmers, processors, and suppliers when
24 procuring farm products that fall under the small purchase
25 threshold.

1 e. Encourage all new school construction projects to
2 consider kitchen facilities capable of producing fresh and
3 healthy school meals and opportunities for hands-on learning.

4 (3) As part of the collaboration, the Alabama
5 Department of Agriculture and Industries shall do all of the
6 following:

7 a. Hire a farm-to-school point person to coordinate
8 efforts between the Alabama Department of Agriculture and
9 Industries, the State Department of Education, and the Alabama
10 Department of Public Health, who shall be responsible for
11 identifying local farmers, processors, and suppliers and shall
12 work with the State Department of Education to make that
13 information available to school food service directors and for
14 creating and disseminating information on the school food
15 procurement process to help farmers, processors, and suppliers
16 learn more about the process.

17 b. Identify, target, and promote job creation around
18 farm-to-school initiatives.

19 c. In cooperation with commodity groups and growers'
20 associations, utilize existing web-based market development
21 tools or adopt a voluntary web-based directory of farmers
22 searchable by location. The directory shall be routinely
23 updated and consistently maintained and usable by anyone
24 interested in locating farmers and Alabama farm products.

1 d. Investigate opportunities for farmers to supply
2 their products to commercial distributors.

3 (d) The State Department of Education and the
4 Alabama Department of Agriculture and Industries may accept
5 funds from any federal, state, or private source to implement
6 this section.

7 (e) At least 10 percent of the local farmers,
8 processors, and suppliers utilized in providing unprocessed
9 agricultural products pursuant to this section may be minority
10 producers.

11 Section 2. Section 16-13B-2 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§16-13B-2.

14 "(a) Competitive bids shall not be required for
15 utility services for county or city boards of education, the
16 rates for which are fixed by law, regulation, or ordinance,
17 and the competitive bidding requirements of this chapter shall
18 not apply to:

19 "(1) The purchase of insurance.

20 "(2) Contracts for securing services of attorneys,
21 physicians, architects, teachers, superintendents of
22 construction, artists, appraisers, engineers, consultants,
23 certified public accountants, public accountants, or other
24 individuals possessing a high degree of professional skill
25 where the personality of the individual plays a decisive part.

1 "(3) Contracts of employment in the regular civil
2 service.

3 "(4) Contracts for fiscal or financial advice or
4 services.

5 "(5) Purchases of products made or manufactured by
6 the blind or visually handicapped under the direction or
7 supervision of the Alabama Institute for Deaf and Blind in
8 accordance with Sections 21-2-1 to 21-2-4, inclusive.

9 "(6) Purchases of maps or photographs from any
10 federal agency.

11 "(7) Purchases of manuscripts, books, maps,
12 pamphlets, or periodicals.

13 "(8) The selection of paying agents and trustees for
14 any security issued by a public body.

15 "(9) Existing contracts up for renewal for
16 sanitation or solid waste collection, recycling, or disposal
17 and those providing the service.

18 "(10) Purchases of computer and word processing
19 hardware when the hardware is the only type that is compatible
20 with hardware already owned by the entity taking bids and
21 custom software.

22 "(11) Contractual services and purchases of
23 commodities for which there is only one vendor or supplier and
24 contractual services and purchases of personal property which

1 by their very nature are impossible to award by competitive
2 bidding.

3 "(12) Contractual services and purchases of products
4 related to, or having an impact upon, security plans,
5 procedures, assessments, measures, or systems, or the security
6 or safety of persons, structures, facilities, or
7 infrastructures.

8 "(13) Purchases of goods made as a part of any
9 purchasing cooperative sponsored by the National Association
10 of Counties, or its successor organization. This subdivision
11 shall not apply to goods for which a service or service
12 contract, whether subject to competitive bidding under this
13 chapter or not, is necessary to utilize the goods. Such
14 purchases may only be made if all of the following occur:

15 "a. The goods being purchased are available as a
16 result of a competitive bid process approved by the Department
17 of Examiners of Public Accounts for each bid.

18 "b. The goods are either not at the time available
19 to local boards of education on the state purchasing program
20 or are available at a price equal to or less than that on the
21 state purchasing program.

22 "c. The purchase is made through a participating
23 Alabama vendor holding an Alabama business license if such a
24 vendor exists.

1 "(14) Purchases of fresh unprocessed agricultural
2 products as defined in subsection (b) of Section 1 of the act
3 adding this subdivision and the food is purchased with a cost
4 of one hundred thousand dollars (\$100,000) or less.

5 "(b) This chapter shall not apply to:

6 "(1) Any purchases of products where the price of
7 the products is already regulated and established by state
8 law.

9 "(2) Purchases made by individual schools of the
10 county or municipal public school systems from moneys other
11 than those raised by taxation or received through
12 appropriations from state or county sources.

13 "(c) The city and county boards of education shall
14 establish and maintain such purchasing facilities and
15 procedures as may be necessary to carry out the intent and
16 purpose of this chapter by complying with the requirements for
17 competitive bidding in the operation and management of each
18 city and county board of education.

19 "(d) Contracts entered into in violation of this
20 chapter shall be void, and anyone who violates this chapter
21 shall be guilty of a Class C felony."

22 Section 3. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

